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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRONE JOE OLDELK,

Defendant.

CR 18-70-BLG-SPW

OFFER OF PROOF

The defendant, Tyron Joe Oldelk, is charged by indictment with assault resulting in substantial bodily injury of a dating partner, in violation of 18 U.S.C. §§ 1153(a) and 113(a)(7).

PLEA AGREEMENT

There is no plea agreement; Oldelk will plead guilty to the indictment.

Resolution of the case without a plea agreement is the most favorable resolution for Oldelk. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF CHARGE

In order for Oldelk to be found guilty of assault resulting in substantial bodily injury of a dating partner, as charged in indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant is an Indian person;

Second, the assault occurred in Indian Country;

Third, the defendant intentionally struck and wounded the victim;

Fourth, the defendant caused the victim to suffer substantial bodily injury; and

Fifth, at the time, the defendant and the victim were in a domestic relationship and cohabitating.

PENALTY

This offense carries a penalty of five years imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On November 19, 2017, the victim went to the IHS hospital in Crow Agency with injuries that she said were caused by her boyfriend, Oldelk, at their residence in Garryowen, within the exterior boundaries of the Crow Indian Reservation. Law enforcement was called to investigate. The victim wrote a statement and was interviewed by both the BIA and FBI. She provided the following details.

On the evening of November 18, 2017, after Oldelk got drunk and while he and the victim were in their bedroom, they began to argue. Oldelk became angry. Over the next few hours, he struck her chest with his elbow, pulled her by her hair, and punched her on various parts of her body to include her face, ribs, arms, chest, and legs. The victim was undergoing dialysis at the time, and Oldelk specifically tried to grab and pull her fistula, which is a port installed in her left arm for dialysis treatment. He also pushed her against the bedroom door, choked her, and kicked her legs. The beating stopped when Oldelk's father came into the bedroom and told both of them to stop arguing. Oldelk's father did not witness any of the beating. At that point, both Oldelk and the victim fell asleep.

Early the next morning, on November 19, 2017, the argument began again. Oldelk was still drunk. He threatened to shoot the victim if he had a gun, and he hit and kicked her. He then threw a flashlight at her hitting her in the face. The victim, in attempting to defend herself, hit Oldelk in the face and broke his nose. That ended the beating.

The victim left the residence and drove to the hospital. She told medical personnel that she was experiencing pain in various places on her body. Most notably, her ribs hurt when she breathed. She was examined and found to have bruising on her neck, chest, and her side. She was transported to the Billings clinic where they also noted “neck strain.”

DATED this 1st day of October, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney